

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Richard W. DeOtte, et al.,

Plaintiffs,

v.

Alex M. Azar II, et al.,

Defendants.

Case No. 4:18-cv-825-O

**PLAINTIFFS' UNOPPOSED MOTION TO EXTEND DEADLINE
FOR FILING APPLICATION FOR ATTORNEYS' FEES**

The Court entered final judgment on July 29, 2019. ECF No. 98. On July 30, 2019, the parties jointly moved to extend the plaintiffs' deadline for filing their application for attorneys' fees until October 4, 2019—seven days after the defendants' deadline for filing a notice of appeal. ECF No. 99. The Court granted this motion on July 31, 2019, and extended the deadline to October 4, 2019. ECF No. 100.

The defendants, however, have chosen to appeal this Court's final judgment, as well as "all prior orders and decisions that merge into that Judgment." ECF No. 103. Because of this pending appeal, the parties have conferred and agree that it would serve both judicial economy and the efficient use of the parties' limited resources to extend the deadline for the plaintiffs' fee application until 14 days after the conclusion of the defendants' appeal, including any proceedings that might take place in the Supreme Court of the United States. A proposed order is attached.

CONCLUSION

The plaintiffs' deadline for filing their application for attorneys' fees should be extended until 14 days after the conclusion of the defendants' appeal.

Respectfully submitted.

CHARLES W. FILLMORE
H. DUSTIN FILLMORE
The Fillmore Law Firm, L.L.P.
1200 Summit Avenue, Suite 860
Fort Worth, Texas 76102
(817) 332-2351 (phone)
(817) 870-1859 (fax)
chad@fillmorefirm.com
dusty@fillmorefirm.com

Dated: September 28, 2019

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Texas Bar No. 24075463
Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
(512) 686-3940 (phone)
(512) 686-3941 (fax)
jonathan@mitchell.law

*Counsel for Plaintiffs and
the Certified Classes*

CERTIFICATE OF CONFERENCE

I certify that on September 28, 2019, I conferred with Daniel Riess, counsel for the defendants, and he informed me that the defendants are unopposed to this motion.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
*Counsel for Plaintiffs and
the Certified Classes*

CERTIFICATE OF SERVICE

I certify that on September 28, 2019, I served this document through CM/ECF upon all counsel of record in this case, including:

DANIEL RIESS
U.S. Department of Justice
Civil Division, Room 6122
20 Massachusetts Avenue NW
Washington, D.C. 20530
(202) 353-3098
daniel.riess@usdoj.gov

Counsel for Defendants

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
*Counsel for Plaintiffs and
the Certified Classes*